

Decision Guide For Crab Rationalization

Fisheries to Include in the Rationalization Program - applies to all programs

Issue 1 **Species to include in the program**

Select fisheries to include in rationalization program (from Section 1.1)

Bristol Bay red king
Aleutian Islands (Dutch Harbor/Adak) brown king
Bering Sea opilio (snow)
Bering Sea bairdi (Tanner)
Pribilof red king
Pribilof blue king
St. Matthew blue king
Eastern Aleutian Islands bairdi (Tanner)
Western Aleutian Islands bairdi (Tanner)
Eastern Aleutian Islands (Dutch Harbor) red king
Western Aleutian Islands (Adak) red king

Suboptions

1. Area/Species exceptions:
 - A. Exclude EAI tanner, WAI tanner, EAI red king, and WAI red king (from Section 1.1, Suboption A and Section 2.3 Option 1, h)
 - B. Close federal waters to EAI tanner, WAI tanner, EAI red king, WAI king until management plan is developed by the State of Alaska (from Section 1.1, Suboption B)
 - C. Exclude EAI tanner, WAI tanner, EAI red king, and WAI red king east of 179°W (from Section 1.1, Suboption C)
 - D. Exclude Western Aleutian Islands (Adak) red king (from Section 1.4.2.8, Option 1, c))
2. Brown king crab fishery (from Section 1.3.1.1) - Split of fishery into two categories - WAI and EAI (from Section 1.3.1.1, Option 1)

Rationalization Program Choice

- | | |
|----------|--|
| Option 1 | Harvester Only IFQ |
| Option 2 | Two-Pie IFQ (harvester and processor shares) |
| Option 3 | Voluntary Cooperative |
| Option 4 | Plurality Cooperative |

Allocations of Harvest Quota Shares - applies to all programs

Issue 1 **Eligibility for an Allocation** (from Section 1.2) and the **Basis for an Allocation** (from Section 1.4.1(b))

- | | |
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| Option 1 | LLP license holders receive allocation based on vessel creating right to the license (from Sections 1.2, Option 1 and 1.4.1(b) Option 1) |
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Option 2 Owners of vessels that meet the LLP license requirements receive an allocation based on the activity of that vessel (from Sections 1.2, Option 2 and 1.4.1(b) Option 2)

Suboptions

1. Purchaser of an LLP receives allocation based on 1) vessel creating the LLP privilege for period prior to the transfer and 2) the vessel on which the LLP license was used after the transfer (from Section 1.4.1(b), Option 3)
2. Either the vessel creating the LLP privilege or the vessel on which the LLP license was used could be used to determine the allocation amount for the owner, but not both (from Section 1.4.1(b), Suboption - if selecting 1.2, Option 2 must also select 1.2, suboption)
3. Three add ons in Section 1.4, Suboption
 - a. limits allocations to a single vessel with the exception of Amendment 10 replacement vessels (cannot be adopted with section 1.4, Option 3)
 - b. requires current MarAd certification and/or US documentation for any vessel on which an allocation is based
 - c. requires LLP license transfers to have occurred prior to January 1, 2002 (applies only to Section 1.4, Option 3 or the 1.4, suboption)

Issue 2 **Qualifying years** (from Section 1.4.2)

Select one option for each fishery included in the rationalization program

BS C. opilio (from Section 1.4.2.1)

- | | |
|----------|---------------------|
| Option 1 | 1994-1999 |
| A. | Best 5 of 6 seasons |
| Option 2 | 1992-1999 |
| A. | Best 7 of 8 seasons |
| Option 3 | 1995-1999 |
| A. | all 5 seasons |
| B. | Best 4 seasons |
| Option 4 | 1996-2000 |
| A. | Best 4 of 5 seasons |
| Option 5 | 1996-2002 |
| A. | Best 6 of 7 seasons |

Bristol Bay red king crab (fishery closed in 1994 and 1995)

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|----------|---------------------|
| Option 1 | 1993-1999 |
| A. | all 7 seasons |
| B. | Best 6 seasons |
| Option 2 | 1992-1999 |
| A. | all 8 seasons |
| B. | Best 7 seasons |
| Option 3 | 1996-2000 |
| A. | Best 4 of 5 seasons |
| Option 4 | 1996-2001 |
| A. | Best 5 of 6 seasons |

BS C. bairdi (fishery closure since the 1996 season)

- | | |
|----------|--|
| Option 1 | 1992-1996 |
| A. | all 5 seasons |
| B. | Best 4 seasons |
| Option 2 | 1991/1992-1996 |
| A. | Best 5 of 6 seasons |
| Option 3 | Based on a 50/50 split of the Bristol Bay red king crab and opilio harvests. |

Pribilof red king crab (fishery closed since 1998)

- Option 1 1993-1998
 - A. Best 4 of 6 seasons
- Option 2 1994-1998
 - A. all 5 seasons
 - B. Best 4 seasons

Pribilof blue king crab (fishery closed in 1993 and 1994 and since 1998)

Note that all options are equivalent because of the fishery closures

- Option 1 1993-1998
 - A. Best 4 of 6 seasons
- Option 2 1994-1998
 - A. all 5 seasons
 - B. Best 4 seasons

St. Matthew blue king crab (fishery closed since 1998)

- Option 1 1993-1998
 - A. Best 4 of 6 seasons
- Option 2 1994-1998
 - A. all 5 seasons
 - B. Best 4 seasons

Aleutian Islands brown king crab

- Option 1 1992/3-1998/9
 - A. all 7 seasons
 - B. Best 6 seasons
- Option 2 1995/6-1998/9
 - A. all 4 seasons
 - B. Best 3 seasons
- Option 3 1996/7-1998/9
 - A. all 3 seasons
 - B. Best 2 seasons
- Option 4 1996/7-2000/1
 - A. Best 4 of 5 seasons
- Option 5 1996/7-2001/02
 - A. Best 5 of 6 seasons

Suboptions for any of the years selected

- A. allocation is based on total harvests from both subdistricts - each participant receives the same percentage of both subdistricts based on total brown crab harvests (from Section 1.4.2.7, Suboption a)
- B. allocation is based on harvests from each subregion - each participant receives an allocation in each subdistrict based on harvests from that subdistrict (from Section 1.4.2.7, Suboption b)

Western Aleutian Islands (Adak) red king crab (fishery closed since 1995/6)

- Option 1 1992-1996
 - A. All 5 seasons
 - B. Best 2 seasons

Issue 3 **Calculation of Allocations** (from Section 1.4.1(a))

Provision without Option

Allocations are on a fishery basis and are based on the average percent of a vessel's harvest during the qualifying years

Suboption Allocations to persons with sunken vessels replaced under Amendment 10 would supplement their allocations (for the years between when the vessel sank and when it was replaced) with a percentage of their average history based on the years unaffected by the sinking (from Section 1.4.1, Suboption). If selected, the percentage (0 to 100) of the supplemental allocation must be selected

Issue 4 **Annual Allocations of IFQs** are made based on (from Section 1.5)

Option 1 GHF (1.5, Option 1)
Option 2 TAC (1.5 Option 2)

Transferability of Quota Shares - Harvester Only IFQ, Two-Pie IFQ, and Voluntary Cooperative

Issue 1 **Eligibility to Receive Shares by Transfer** (from Section 1.6)

Option 1
Any persons or entities
A. eligible to document a US fishing vessel (from Section 1.6, Option 1(a))
B. with 75 percent US ownership (from Section 1.6, Option 1(b))

Option 2
Persons who are US citizens (from Section 1.6.1, Option 2)

Option 3
Entities at least 20 percent owned by US citizens (from Section 1.6.1, Option 3)

Suboption A (under Options 2 and 3 above)

1. Sea time requirement of
 - A. 30 days
 - B. 150 days
 - C. 365 days ((from Section 1.6.1, Options 2 and 3)
2. Sea time must be in
 - A. any US commercial fishery in a harvesting capacity
 - B. State of Alaska or Alaska EEZ fishery in a harvesting capacity
 - C. BSAI crab fishery (from Section 1.6.1, Options 2 and 3)

Suboption B (under Options 1, 2, and 3)

Grandfather recipients of initial allocations (from Section 1.6.1)

Issue 2 **Leasing of Quota Shares (or Sale of IFQ)** (from Section 1.6.2)

Option 1 Leasing permitted without restriction (from Section 1.6, Option 1)
Option 2 Leasing prohibited (from Section 1.6, Option 2)

Suboption In the Aleutian Islands brown king crab fishery - allow QS holders to swap IFQ from one subdistrict for IFQ from the other subdistrict on a pound for pound basis

Ownership Caps, Use Caps, and Limits on Vertical Integration - applies to Harvester Only IFQ, Two-Pie IFQ, and Voluntary Cooperative

Issue 1 **Ownership Caps on QS** - (from Section 1.6.3)

Provisions without Options

1. Initial issues that receive allocations in excess of the cap are grandfathered (from Section 1.6.3(a)) (Note: suboption that would not permit allocation in excess of the cap in the brown king crab fishery)

2. Caps are applied on an individual and collect basis (as in the halibut and sablefish IFQ program) (from Section 1.6.3(b))

Provisions with options

Selected one option for each fishery included in the rationalization program

Bristol Bay red king crab (from Section 1.6.3(c))

Option 1	1 percent
Option 2	5 percent
Option 3	8 percent

Bering Sea *C. opilio* (from Section 1.6.3(c))

Option 1	1 percent
Option 2	5 percent
Option 3	8 percent

Suboption under all options (from Section 1.6.3(f)) - Reduce cap to 0.5 percent if the GHL (or TAC) exceeds 400 million pounds

Bering Sea *C. bairdi* (from Section 1.6.3(c))

Option 1	1 percent
Option 2	5 percent
Option 3	8 percent

Pribilof blue king crab (from Section 1.6.3(c))

Option 1	1 percent
Option 2	5 percent
Option 3	8 percent

Pribilof red king crab (from Section 1.6.3(c))

Option 1	1 percent
Option 2	5 percent
Option 3	8 percent

St. Matthew blue king crab (from Section 1.6.3(c))

Option 1	1 percent
Option 2	5 percent
Option 3	8 percent

Aleutian Islands brown king crab (from Section 1.6.3(d))

Separate Subdistricts

Eastern (Dutch Harbor)

Option 1 10 percent to 40 percent

Suboption

No initial allocations over the cap - reallocation to other qualified persons:

- i) equally
- ii) proportionally

Western (Adak) brown king crab

Option 1 10 percent to 40 percent

Suboption

No initial allocations over the cap - reallocation to other qualified persons:

- i) equally
- ii) proportionally

Combined Subdistricts - GHJ Split

Option 1 10 percent to 40 percent

Suboption

No initial allocations over the cap - reallocation to other qualified persons:

- i) equally
- ii) proportionally

Western Aleutian Islands (Adak) red king crab (from Section 1.6.3(e))

Option 1 10 percent to 30 percent

Issue 2 **Use caps** - (from Section 1.7.4)

Option 1- if selected must select from both A and B

A. Based on historical harvests

- i. Fleet average percent of catch (from Section 1.7.4, Option 1(a))
- ii. Highest single vessel percentage of catch (from Section 1.7.4, Option 1(b))

B. Time period for historical harvests

- i. IFQ qualifying years
- ii. IFQ qualifying years plus years through final Council action

Option 2 No use caps ((from Section 1.7.4, Option 2)

Issue 3 **Limits on Vertical Integration** (from Section 1.6.4)

Option 1 No controls on vertical integration (from Section 1.6.4, Option 1)

Option 2 Caps (selected from the list below) with initial allocations in excess of the cap grandfathered (from Section 1.6.4, Option 2)

- A. 1 percent
- B. 5 percent
- C. 8 percent

Suboptions (must select one if Option 2 is selected)

Caps are applied on

- 1. an individual and collective basis (as in the halibut and sablefish IFQ program)
- 2. a threshold ownership basis (similar to the AFA ownership criteria) with common ownership thresholds used to determine if companies are considered to be the same entity. The ownership thresholds under consideration are:
 - A. 10 percent
 - B. 25 percent
 - C. 50 percent

Option 3 Holders of PQS cannot own harvester QS in addition to the harvester QS received in the initial allocation (from Section 1.6.4, Option 3)

Use of IFQs - Applies to Harvester Only IFQ, Two-Pie IFQ, and Voluntary Cooperative

Issue 1 Catch Accounting and Overages - Provisions Applicable to All Programs - (from Section 1.7.3)

Provisions without Options

All landings including deadloss are counted against IFQs (or cooperative allocation) (from Section 1.7.3)

Options

Catch Accounting (from Sections 1.7.3 and 6.1, 13))

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|----------|---|
| Option 1 | No discards of legal crab allowed and sufficient IFQs for any crab harvested (from Section 1.7.3, Option 1) |
| Option 2 | No discards of “marketable” <i>C. opilio</i> and sufficient IFQs for any crab harvested (from Section 1.7.3, Option 2) (if this option is selected a definition of the term “marketable” must also be provided) |
| Option 3 | No discards of <i>C. opilio</i> with a carapace of 4 inches or greater in width (from Section 1.7.3, Option 3) |
| Option 4 | Allow discards of incidentally caught crab (e.g., allow discards of <i>C. bairdi</i> caught in the red king crab fishery. Should consider the impacts that disallowing this practice would have on persons who do not hold IFQ for all the species they may catch in a directed fishery) (from Section 1.7.3, Option 4) |
| Option 5 | Request ADF&G and BOF to address concerns of discards, highgrading, incidental catch, bycatch reduction, and in season monitoring to coincide with rationalization (from Section 1.7.3, Option 5) |

Issue 2 Overages (from Section 1.8.2)

Subissue 1

Allowances over quota held

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|----------|---|
| Option 1 | 1 percent (from Section 1.8.2(a), Option 1) |
| Option 2 | 3 percent (from Section 1.8.2(a), Option 2) |
| Option 3 | 5 percent (from Section 1.8.2(a), Option 3) |

Subissue 2

Deductions for overages from following year’s IFQs will be

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|----------|---|
| Option 1 | the same amount as the overage (from Section 1.8.2(b), Option 1) |
| Option 2 | twice the amount of the overage (from Section 1.8.2(b), Option 2) |

Issue 3 Harvest Sector IFQs

Provisions Applicable to Harvester Only IFQ

Provisions without Options

Harvest sector allocations of QS and IFQ will be categorized as

1. catcher vessel shares (from Section 1.3.2(a))
2. catcher/processor shares (from Section 1.3.2(b)) - Catcher/processor shares shall be granted for crab that were both harvested by and processed on a vessel and will confer a right to both harvest and process the crab on board (from Section 1.3.2)

(Note: Catcher/processor issues are included as separate item below)

Provisions Applicable to Two Pie IFQ and Voluntary Cooperative Program

Provisions without Options

Processor Delivery Categories for catcher vessel shares- Two types of processing shares will be allocated

1. Class A IFQs, must be delivered to processors (including catcher/processors) with sufficient unused IPQs (from Sections 1.3.3(a) and 1.7.1(a))
2. Class B shares, deliverable to any processor (including catcher/processors) (from Sections 1.3.3(b) and 1.7.1(b))

(Note: Catcher/processor issues are included as separate item below)

Processing Sector Elements - Applicable to Two Pie IFQ and Voluntary Cooperative Program

Issue 1 Fisheries to Include in Processing Program

Options

Fisheries for which PQS will be distributed (from Section 2.2.1)

Bristol Bay red king
Eastern Aleutian Islands (Dutch Harbor) brown king
Western Aleutian Islands (Adak) brown king
Bering Sea opilio (snow)
Bering Sea bairdi (Tanner)
Pribilof red king
Pribilof blue king
St. Matthew blue king
Eastern Aleutian Islands bairdi (Tanner)
Western Aleutian Islands bairdi (Tanner)
Eastern Aleutian Islands (Dutch Harbor) red king
Western Aleutian Islands (Adak) red king

Issue 2 Percentage of the TAC/GHL for which PQS (and Class A harvest shares) are distributed (from Section 2.4). Note that any unallocated portion of the TAC/GHL will be open delivery

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|----------|--|
| Option 1 | 100 percent of the TAC/GHL (from Section 2.4.1, Option 1) |
| Option 2 | 90 percent of the TAC/GHL (from Section 2.4.1, Option 2) |
| Option 3 | 80 percent of the TAC/GHL (from Section 2.4.1, Option 3) |
| Option 4 | 70 percent of the TAC/GHL (from Section 2.4.1, Option 4) |
| Option 4 | 0 percent of the TAC/GHL - no processor quota (from Section 2.4.1, Option 5) |

Issue 3 Initial Allocation of Processor Shares

Provisions without Options

Processor Eligibility for an Allocation (from Section 2.1)

Processors (including catcher/processors) that are US corporations or partnerships that processed crab from a fishery included in the rationalization program in either 1998 or 1999

Calculation of Processor Allocations (from Section 2.3)

Allocations are on a fishery basis and are based on a processor's aggregate pounds purchased in the qualifying years divided by the aggregate of all pounds purchased by eligible processors in the qualifying years

Implementation of the Processor Share Program (from Section 2.5)

Processors must hold unused IPQ for purchases of crab harvested with Class A harvest shares. Any processor may purchase crab harvested with Class B harvest shares.

Transferability of Processing Shares (from Section 2.6)

1. Processing quota shares and IPQs are fully transferable (including leasing)
2. IPQs may be used by any facility of the processor holding those shares (without transfer or lease)

Issue 4 **Processor Qualifying Years** (from Section 2.3) - can select from different options for different fisheries

Fisheries with multiple qualifying year options

Bristol Bay red king

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|----------|--|
| Option 1 | 1997 - 1999 (from Section 2.3, Option 1) |
| Option 2 | 1996 - 2000 (best 4 seasons) (from Section 2.3, Option 2) |
| Option 3 | 1996 - 2001 (best 5 seasons) (from Section 2.3, Option 2, Suboption) |

Bering Sea opilio (snow)

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|----------|--|
| Option 1 | 1997 - 1999 (from Section 2.3, Option 1) |
| Option 2 | 1996 - 2000 (best 4 seasons) (from Section 2.3, Option 2) |
| Option 3 | 1996 - 2002 (best 6 seasons) (from Section 2.3, Option 2, Suboption) |

Eastern Aleutian Islands (Dutch Harbor) brown king

- | | |
|----------|---|
| Option 1 | 1996/7 - 1998/9 (from Section 2.3, Option 1) |
| Option 2 | 1996/7 - 2000/1 (best 4 seasons) (from Section 2.3, Option 2) |
| Option 3 | 1996/7 - 2001/2 (best 5 seasons) (from Section 2.3, Option 2) |

Western Aleutian Islands (Adak) brown king

- | | |
|----------|---|
| Option 1 | 1996/7 - 1998/9 (from Section 2.3, Option 1) |
| Option 2 | 1996/7 - 2000/1 (best 4 seasons) (from Section 2.3, Option 2) |
| Option 3 | 1996/7 - 2001/2 (best 5 seasons) (from Section 2.3, Option 2) |

Western Aleutian Islands (Adak) red king

- | | |
|----------|---|
| Option 1 | 1992/3 - 1995/6 (from Section 2.3, Option 1, Option A) |
| Option 2 | based on Western Aleutian Islands (Adak) brown king allocation (from Section 2.3, Option 1, Option B) |

Suboption

0 percent to 50 percent of the processor allocation will be made to the community of Adak (from Section 2.3, Option 1, Option C)

Fisheries with single qualifying year option

Bering Sea bairdi (Tanner)

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| Option 1 | 50/50 split of Bristol Bay red king and Bering Sea opilio (from Section 2.3, Option 1) |
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Pribilof red king

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| Option 1 | 1996 - 1998 (from Section 2.3, Option 1) |
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Pribilof blue king

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| Option 1 | 1996 - 1998 (from Section 2.3, Option 1) |
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St. Matthew blue king

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|----------|--|
| Option 1 | 1996 - 1998 (from Section 2.3, Option 1) |
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Issue 5 **Recipient of Allocation**

- Option 1 Buyer of record on the ADF&G fish ticket (from Section 2.3, Options 1 and 2)
- Option 2 The buyer of the crab, if that buyer is determined to be an entity other than the entity identified on the ADF&G fish ticket (from Section 2.3, Option 4)

Suboption (from Section 2.3, Option 3)

If an eligible processor is not longer active in the crab fisheries, no allocation is made to that processor and the corresponding harvest shares will be Class B shares with a regional designation
(If selected must define when a processor is “no longer active”)

Issue 6 **Ownership and Use Caps on Processing Shares** (from Section 2.7)

Subissue 1

Ownership Caps (from Section 2.7.1)

Ownership cap will be:

- Option 1 maximum share allocation in the fishery (from Section 2.7.1, Option 2)
- Option 2 maximum share allocation in the fishery plus 5 percent (from Section 2.7.1, Option 1)
- Option 3 maximum share allocation in the fishery plus 10 percent (from Section 2.7.1, Option 1)
- Option 4 maximum share allocation in the fishery plus 15 percent (from Section 2.7.1, Option 1)
- Option 5 select a cap between the average and maximum allocation with initial allocations grandfathered (from Section 2.7.1, Option 3)

Different caps may be chosen for each fishery included in the rationalization program.

Caps are applied on:

- Option 1 an individual and collective basis (as in the halibut and sablefish IFQ program)
- Option 2 a threshold ownership basis (similar to the AFA ownership criteria) with ownership thresholds to determine entities to be selected from the three options below. Caps are on a company basis with ownership linkages determined by the common ownership threshold (from Section 2.7.1)
- A. 10 percent
- B. 25 percent
- C. 50 percent

Subissue 2

Use Caps (from Section 2.7.2)

Annual use caps on a company basis of

- Option 1 30 percent to 60 percent of the TAC/GHL
- Option 2 the largest PQS holding in the fishery at the time of initial allocation

Subissue 3

Additional Options

Penalties (from Section 2.8.2)

Processors that do not use IPQs will lose the amount that is unused in the next season

Unused and lost quota will be redistributed

- A. to other processors proportionally (from Section 2.8.2 (a), Option 1)
- B. to other processors equally (from Section 2.8.2(a), Option 2)
- C. as Class B open delivery shares (from Section 2.8.2(a), Option 3). If allocated to open delivery shares, Class A IFQs will be reclassified as Class B IFQs
 - 1. proportionally among all Class A QS holders (from Section 2.8.2(a), Suboption 1(a))
 - 2. equally among all Class A QS holders (from Section 2.8.2(a), Suboption 1(b))
 - 3. harvesters holding Class A shares that were not processed would have them be classified as Class B shares the next year (from Section 2.8.2(a), Suboption 1(c))
 - 4. Reclassified harvest shares will retain their regional designation (from Section 2.8.2(a))

Suboption - Include a hardship provision for processors that do not use IPQs (from Section 2.8.2(b))

Regionalization - applies to any program

Provisions Without Options

Two regions are proposed, which would be used to classify harvesting and (if adopted) processing shares

- A. Northern Region - All areas on the Bering Sea north of 56°20' N latitude
- B. Southern Region - All areas on the Bering Sea south of 56°20' N latitude and all areas on the Gulf of Alaska (from Sections 1.3.4, 2.2.2, and 3.1)

All PQS allocated to shore base processors (including floating processors) are categorized by region (from Section 3.2.3)

Harvest and processing shares that are regionally designated cannot be reassigned to another region (from Section 3.2.4) **(Note: option for processors to buyout of regional designation from a community would override this option)**

Crab harvested with IFQs designated for a region must be delivered to a processing facility in that region for processing (from Section 3.3(a))

Crab purchased with IPQs designated for a region must be processed within that region (from Section 3.3(b))

PQS and IPQs categorized for a region cannot be transferred to a processor for use outside that region (from Section 2.6(c))

Issue 1

Qualifying Years

Option 1 Qualifying years for regionally categorizing shares

- A. 1995 - 1999 (from Section 3.2.1, Option 1)
- B. 1995 - 1997 (from Section 3.2.1, Option 2)

- Option 2 The base years for determining
- A. the allocation of processing shares that will be used for determining the regional designation of processing shares
 - B. the allocation of harvest shares that will be used for determining the regional designation of harvest shares

An adjustment will be made to harvest shares to make the regional allocation of harvest shares the same as the regional allocation of processing shares.

The adjustment will be applied only to shares allocated to harvesters that made deliveries to both regions in the qualifying period on a pro rated basis

Class B allocations will not be included in the adjustment (from Section 3.2.5)

Suboptions

Modification of Regional Allocations

- A. No designation will be made to a region when the allocation would be less than 0 percent to 8 percent (from Section 3.2.1, Option 3)
- B. No regional designation in the Bering Sea bairdi fishery (from Section 3.2.1, Option 3)
- C. No regional designation in the Bristol Bay red king crab fishery (Section 3.2.1, Option 3)
- D. All Pribilof red king crab will be designated to the Northern region (from Section 3.2.1, Option 3)
- E. All Pribilof blue king crab will be designated to the Northern region (from Section 3.2.1, Option 3)
- F. Create Eastern and Western regions and require that 0 percent to 50 percent of the Western Aleutian Islands brown king crab fishery will be designated for delivery and processing west of 174° W longitude (in the Western region)
- G. Create Eastern and Western regions and require that 0 percent to 50 percent of the Western Aleutian Islands red king crab fishery will be designated for delivery and processing west of 174° W longitude (in the Western region)

Issue 2 Provisions Applicable to the Harvest Sector

Regional designation of shares

- Option 1 All catcher vessel shares will be regionally designated (from Sections 3.2.2, Option 1 and 3.2.3, Option 2)
- Option 2 Only Class A catcher vessel shares will be regionally designated (from Section 3.2.2, Option 2)

Issue 3 Alternative Regionalization/Community Protection Option - (from Sections 3.4 and 6.1, 6))

- A. Processing allocations will have community designations.
- B. Processing can leave a community only with agreement of the community. Agreements must be filed with the Secretary of Commerce 30 days prior to moving the quota.

Suboptions

1. Allocations will be designated for a community, only if the total designated processing to the community exceeds 0 percent to 8 percent of the species
2. In closed fisheries, community allocations will be based on processor option 1 in section 2.3 (from Section 3.4)

Options to be evaluated through a trailing amendment - **A preferred alternative for this section does not need to be identified at the June meeting**

Under this option, processor quota shares are subject to regional designations as set forth in Section 3.1, 3.2 and 3.3. A processing quota share holder may switch processor quota from one region to another region (on an annual or permanent basis) by compensating the community that is impacted by that change. A processor must provide compensation only if it switches from one region to another region. A change in location of processing within a region does not require compensation to a community. Compensation for a permanent departure from a region is only required one time; a subsequent change to another region does not require further compensation by the processing share quota owner. A switch of the region of processing under this option would include the following elements:

- a. This option does not displace the regional designation of Class A shares or the processing of quota delivered under Class A shares. It instead provides an option for the delivery and processing of quota from Class A shares using IPQ into a different region upon compensation (in a manner and form acceptable to the effected community) to switch to another region.
- b. The community to be compensated would be determined by the community that received the raw fish tax associated with the IPQ being transferred. The options for determining the community include:
 - A. The community to which the raw fish tax was paid in 1, 2, 3 or 4 years prior to the proposed transfer;
 - B. The community to which the raw fish tax was paid in the period used to determine eligibility for the issuance of IPQ;
 - C. The community to which a majority of the raw fish tax was paid in the period designated in A or B above.
- c. The processor that pays the compensation to the community may designate the harvester that also is allowed to switch from the original region to another region. The harvester is free to accept or reject that designation.
- d. The option applies only to IPQ and corresponding Class A shares. It does not apply to any processing of Class B shares nor to Class B shares themselves.
- e. The entity entitled to negotiate on behalf of the community shall be designated by one of the following: The State of Alaska or the United States Department of Commerce.

Catcher/Processor Elements - Applies to Harvester Only IFQ, Two Pie IFQ, and Voluntary Cooperative Program (must select either Option A or Option B)

Option A **Catcher/Processors Are Allocated Catcher/Processor Shares**

Provisions that include no other options

Harvest sector allocations of QS and IFQ will be categorized as

- 1) catcher vessel shares (from Section 1.3.2(a) and 1.7.2.1)
- 2) catcher/processor shares (from Sections 1.3.2(b) and 1.7.2.1.1)

Catcher/processor shares shall be granted for crab that were both harvested by and processed on a vessel and will confer a right to both harvest and process the crab on board (from Section 1.3.2)

Note: If Option A is selected, catcher/processers meeting the processor eligibility requirements could be allocated processing shares for crab processed by the catcher/processor that was caught by catcher vessels under Section 1.7.2.2

Except as specifically permitted by other options:

- 1) If applied **in a harvester only IFQ program** this would permit processing on board only for allocations of catcher/processor shares
- 2) If applied **in a two pie IFQ or voluntary cooperative program** catcher/processor shares would include a harvest privilege and an on board processing privilege

Issue 1 Eligibility for an Allocation of Catcher/Processor Shares

- Option Only catcher processors that both caught and processed crab in 1998 or 1999 are eligible for catcher/processor shares (from Section 1.7.2.3, Option 5) **(Note: if this option is not selected all vessels qualified for a harvest allocation would receive catcher processor shares for qualified catch that was both harvested by and processed on the vessel)**

Issue 2 Processor Share Transfer Options

- Option 1 Catcher/processors shall be allowed to sell catcher/processor shares to shore based processors (including floating processors) (from Section 1.7.2.4(c)).
By assumption, harvest and processing privileges could be divided and sold separately
- Option 2 Catcher/processors are prohibited from purchasing PQS from shore based processors (including floating processors) but may purchase PQS from catcher/processors (from Section 1.7.2.3, Option 1)
- Option 3 Catcher/processors are allowed to purchase PQS from shore based processors but must process crab purchased with those shares within 3 miles of shore in the designated region (if applicable) (from Section 1.7.2.3, Option 2)

Note: Only one of Options 2 and 3 can be selected

Issue 3 Use of Catcher/Processor Shares - provisions include no options

- A. Crab harvested with catcher/processor shares may be delivered processed or unprocessed. Unprocessed crab harvested with catcher/processor shares may be processed on board or delivered to any processor. (from Section 1.7.2.3, Option 4)
- B. Crab harvested with shares that are delivery restricted (Class A shares) may be delivered to any processor that holds unused IPQs (from Section 1.7.2.3, Option 4(a)). **This applies to any catcher vessel shares allocated to catcher/processors for catch that was not processed and to any Class A catcher vessel shares purchased by catcher processors**
- C. Unprocessed crab may be sold to any processor if harvested with Class B shares, which do not require processor IPQs (from Section 1.7.2.3, Option 4(b))

Issue 4 Regionalization Options - applicable only if regionalization is adopted - any combination of these options may be selected

- Option 1 Catcher/processors shares will **not** be regionally or community designated (from Section 1.7.2.3, Option 6)
- Option 2 When catcher/processor shares are sold to shore based processors, the harvest share and processing share will be separated and both become designated by region (from Sections 1.7.2.4 (b) and (d)) **How the regional classification is determined must be specified**
- Option 3 Harvest shares purchased by catcher/processors will retain their regional or community designation (from Section 1.7.1(d))

Issue 5 Purchases of Harvest Shares by Catcher/Processors

- Option 1 Catcher/processers are **not** permitted to use purchased class B IFQs (from Section 1.7.1(e))
- Option 2 Catcher/processers may purchase additional catcher vessel harvest shares but must hold unused IPQs to process crab harvested with those shares (from Section 1.7.2.3, Option 3)

Option B **Catcher/Processors Are Allocated Separate Harvest Shares and Processing Shares**

Provisions that include no other options

Eligible catcher/processers receive Class A and Class B harvest shares in the same manner as catcher vessels (from Section 1.7.2.1)

Eligible catcher/processers receive processing shares based on processing history (from Section 1.7.2.2)

Issue 1 Processing Quota Transfer Options

- Option 1 Catcher/processers shall be allowed to sell PQS to shore based processors (including floating processors) (from Section 1.7.2.4(a))
- Option 2 Catcher/processers are prohibited from purchasing PQS from shore based processors (including floating processors) but may purchase PQS from catcher/processers (from Section 1.7.2.3, Option 1)
- Option 3 Catcher/processers are allowed to purchase PQS from shore based processors but must process crab purchased with those shares within 3 miles of shore in the designated region (if applicable) (from Section 1.7.2.3, Option 2)

Note: Only one of Options 2 and 3 can be selected

Issue 2 Use of Shares by Catcher/Processors - provisions include no options

- A. Catcher/processers may sell processed or unprocessed crab (from Section 1.7.2.3, Option 4)
- B. Unprocessed crab may be sold to any processor if harvested with Class B shares, which do not require processor IPQs (from Section 1.7.2.3, Option 4(b)). Crab harvested with shares that are delivery restricted (Class A shares) may be delivered to any processor that holds unused IPQs (from Section 1.7.2.3, Option 4(a)).
- C. Crab may be processed only if the catcher/processor holds unused IPQs (from Section 1.7.1(a)) This provision would permit catcher/processers to process any crab harvested with Class B shares and any crab harvested with Class A shares for which it holds IPQs

Issue 3 Regionalization Options - applicable only if regionalization is adopted - any combination of these options may be selected

- Option 1 Harvest allocations to catcher/processers will **not** be regionally or community designated (from Section 1.7.1(c))
- Option 2 Harvest shares purchased by catcher/processers will retain their regional or community designation (from Section 1.7.1(d))

Issue 4 Purchases of Harvest Shares by Catcher/Processors

- Option 1 Catcher/processers are **not** permitted to use purchased class B IFQs (from Section 1.7.1(e))

- | | |
|----------|---|
| Option 2 | Catcher/processors may purchase additional catcher vessel harvest shares but must hold unused IPQs to process crab harvested with those shares (from Section 1.7.2.3, Option 3) |
|----------|---|

Additional Provision (could be applied in any program)

Option

Require owners of catcher/processor vessels to pay a fee equivalent to the tax that would have been imposed had the catcher/processors operated in State waters.

Voluntary cooperative provisions - Applies only to the voluntary cooperative - all provisions that apply to other programs are incorporated into other sections (from Section 6.1)

Issue 1 **Harvesting and processing allocations**

Individual harvesting and processing histories are issued to both harvesters and processors which meet program qualifications. Options for allocations are common with individual quota programs (from Section 6.1, 1))

Issue 2 **Formation of cooperatives**

Cooperatives may be formed through contractual agreements among fishermen who wish to join into a cooperative with one or more processors holding processor history for one or more species of crab. (Section 6.1, 2))

Options

- | | |
|----------|--|
| Option 1 | There must be at least 2 or more unique vessels/owners to form a cooperative with a processor. (Section 6.2.3, 3)) |
| Option 2 | There must be at least 4 or more unique vessels/owners to form a cooperative with a processor. (Section 6.2.3, 3) Suboption) |

Issue 2 **Operation of the cooperative**

- | | |
|----|--|
| A. | Fleet consolidation within this cooperative may occur either by internal history leasing and vessel retirement aor by history trading within the original cooperative or to a different cooperative. (Section 6.1, 2)) |
| B. | Custom processing would continue to be allowed within this rationalization program. (Section 6.1, 5)) |

Issue 3 **Duration of cooperative agreements** (select one option) (from Section 6.1, 8))

- | | |
|------------------|---|
| Option 1 | 2 years |
| Option 2 | 4 years |
| Option 3 | 6 years |
| <i>Suboption</i> | A harvester quota shareholder may exit the cooperative at any time afer one season. One season shall mean the season established by the Alaska Board of Fisheries for the fishery associated with the quota shares held by the harvester. |

Issue 4 **Processor Entry**

New processors may enter the fishery by acquiring processor history from an initial issuee. Cooperative formation with a new processor lacking processing history requires the new processor to offer both an adequate payment to the vessel and to the originating plant where the prior processing history resided. (Section 6.1, 4)) Note: this does not preclude harvesters from selling crab caught with Class B shares to any processor (including those that do not hold IPQs) This provision only affects whether the processor can associate with a cooperative.

Issue 5 **Regionalization and the Alternative Regionalization/Community Protection Option** (Section 6.1 6) and 7)).

Options can be applied to all program options and appear in the general section on regionalization.

Issue 6 **Additional provisions** (from Section 6.1, 11), 12), and 13))

Additional provisions, including skipper and crew protections and catch accounting and length of program provisions can be applied to all program options. These options are discussed in general sections under the appropriate headings.

Plurality cooperative provisions - Apply only to plurality cooperative - all provisions that apply to other programs are incorporated into other sections

Issue 1 **Formation of cooperatives** (under Section 6.2.1).

Provisions without options

- a. There would be one cooperative formed with each eligible crab processor. (Section 6.2.1.A.)
- b. Cooperatives would be formed with the processor at the company level, not the plant level. (from Section 6.2.1.A)
- c. Two or more vessels are sufficient to form a cooperative (Section 6.2.1.A)
- d. The cooperative would handle all species of crab (Section 6.2.1.A)
- e. Each crab vessel is eligible to join only one cooperative. Which cooperative the vessel is eligible to join is determined based on which eligible processor that vessel delivered the highest pounds of crab to during the processor qualifying period. (Section 6.2.1.C) Each vessel's catch history is determined using the formulas identified for calculation of initial quota shares selected under section 1.4. (Section 6.2.1.E)
- f. Vessels that join a cooperative will have their catch history earned during the vessel qualifying period protected. A vessel that does not elect to join in the cooperative for which it is eligible remains under an open access fishery (their catch history is not protected) (Section 6.2.1.D)
- g. A cooperative agreement would be filed annually with the Secretary of Commerce, after review by the Council, before a cooperative's catch history would be set aside for their exclusive use. The processor and each boat that is eligible and elects to join the cooperative must sign the agreement. Only the histories of those boats that sign will be protected (Section 6.2.1.F)
- h. Crab processor eligibility would be determined using the qualifying period identified for the allocation of initial IPQs (Section 2.1). In that section an eligible processor, including C/P as revised in 1.7.2.3 option 5, is a U.S. Corporation or partnership (not individual facilities) that processed crab for any crab fishery included in the cooperative program (species are identified in the harvester options) during 1998 or 1999 (Section 6.2.1.B)

Issue 2 **Operation of the cooperatives** (under Section 6.2).

Provisions without options

The cooperative is responsible for allocating fishing quotas for each species of crab to the cooperative members. Each vessel is entitled to one vote, and decisions will be made by majority vote unless otherwise agreed to by the cooperative members (Section 6.2.2.A)

Options

- a. The processor with which the cooperative is formed gets **(select either Option 1 or 2)**
- Option 1 first right of refusal for all crab harvested by cooperative members, with cooperative free to deliver crab to another eligible processor if no agreement is reached; or
- Option 2 a guaranteed amount of cooperative crab to be delivered, with the amount ranging from 10% to 100% **(select a percentage from the range)**, the remainder of which can be delivered by the cooperative to either **(one option must be selected)**—
- (1) any eligible processor, or
- (2) any processor, eligible or not (i.e., new entrant allowed) (Section 6.2.2.B).
- b. **Select any or all of the following options**
- Option 1 If the processor buys the cooperative crab, it may process the crab itself or may arrange to have it processed by any other crab processor (i.e., the processor acts as broker for cooperative crab it does not wish to process). (Section 6.2.2.C)
- Option 2 In the alternative, the processor may elect to have the cooperative act as its own broker for crab the processor does not wish to buy, with the cooperative free to either sell the crab to another processor or allow individual vessels to make arrangements on their own. (Section 6.2.2.D)
- Option 3 Cooperatives may arrange to swap, purchase, or trade deliveries of crab by mutual agreement of the cooperatives concerned. (Section 6.2.2.E)

Issue 3 **Movement of Vessels Between Cooperatives**

Options (select one of the three options). (from Section 6.2.3.A)

- a. Vessels are free to transfer between coops once each year, with agreement of the cooperative to which they are moving. Vessel catch history goes to new cooperative
- b. Vessels may move to a new cooperative after spending one year in the open access fishery. Cooperative must agree to entry of new vessel. Vessel catch history is not protected in open access, but is restored upon entering new cooperative
- c. Vessels may only leave cooperative with agreement of the processor. Catch history only goes with vessel if processor agrees.
- Suboption* Vessels that did not join a cooperative in the first year coops are formed may join the cooperative of the processor to which they delivered the highest pounds of crab in the previous year after spending one year in the open access fishery. (Section 6.2.3.B)

Issue 4 **Additional Provisions**

Option

Require owners of catcher/processor vessels to pay a fee equivalent to the tax that would have been imposed had the catcher/processors operated in State waters.

CDQ allocations - based on existing CDQ program (from Section 3.4.4)

Options (select one of Options 1 to 4)

- | | |
|------------------|--|
| Option 1 | No change from the existing program |
| Option 2 | Expand existing program into all crab fisheries under this analysis |
| Option 3 | Increase for all crab species to 10% |
| Option 4 | Increase for all species to 12.5% |
| <i>Suboption</i> | For the AI brown crab fishery, the percentage of the resource not utilized (difference between the actual catch and the GHL) during the base period is allocated to the community of Adak. |

Program duration and review (from Section 3.4, 5) and Section 6.2, 11))

- | | |
|----------|--|
| Option 1 | Program review after 2 years and every 3 years thereafter to objectively measure the success of the program, including benefits and impacts to harvesters (including vessel owners, skippers and crew), processors and communities by addressing concerns, goals and objectives identified in the Crab Rationalization problem statement and the Magnuson Stevens Act standards. This review should include analysis of post-rationalization impacts to coastal communities, harvesters and processors in terms of economic impacts and options for mitigating those impacts. (Section 3.4, 5) Option 1) |
| Option 2 | Program review every years to objectively measure the success of the program, including benefits and impacts to harvesters (including vessel owners, skippers and crew), processors and communities by addressing concerns, goals and objectives identified in the Crab Rationalization problem statement and the Magnuson Stevens Act standards. This review should include analysis of post-rationalization impacts to coastal communities, harvesters and processors in terms of economic impacts and options for mitigating those impacts. (Section 3.4, 5) Option 2) |
| Option 3 | No program review (from Section 3.4, 5) Option 3) |
| Option 4 | Sunset in 5 to 7 years (Select specific number of years) (from Section 3.4, 5) Option 4 and Section 6.1, 11) Option 1) |
| Option 5 | Program review to objectively measure the success of the program by addressing concerns identified in the Crab Rationalization problem statement and the Magnuson Stevens Act standards. (Select one or both suboptions)
<i>Suboption 1</i> Program review after 2 years
<i>Suboption 2</i> Program review every 3 years
(from Section 6.2, 11)) |

Skipper and crew allocations and use provisions (from Section 1.8) (select any or all options)

Option A Allocation of Harvest Shares to Skippers and/or Crew

- A. Percentage of total harvest initial allocations to captains and/or crew - any percentage within the range that is analyzed may be selected

Option 1	0 percent
Option 2	10 percent
Option 3	20 percent

- B. Fisheries Included - Crew shares would be issued for any BSAI crab species allocated to harvesters under this program

- C. Eligibility for an allocation

Basis for Eligibility

Option 1	Determined on a fishery by fishery basis by A. having at least one landing in the qualifying years used by the vessels and B. having recent participation in the fishery as defined by at least one landing per year in the fishery in the last two years prior to adoption of a rationalization program by the Council.
Option 2	Eligibility is determined by a point system modeled after that used by the State of Alaska in SE Alaska for limited entry in the Dungeness, King, and Tanner crab fisheries there.

Persons eligible for the program

Option 1	Skippers only
Option 2	All crew

Qualification Period

Same years used to determine the harvester IFQ allocation

Basis for the Distribution

Distribution to Skipper:

Option 1	Shares based on landings (personal catch history based on ADF&G fish tickets).
Option 2	Shares distributed equally among qualified participants.
Option 3	Distribution based on a point system
Option 4	A mix of one or more of the above, with a range of 0-50% distributed equally and the balance based on landings and/or points

Distribution for All Crew:

Option 1	Shares distributed equally among qualified participants.
Option 2	Distribution based on a point system
Option 3	A mix of one or more of the above, with a range of 0-50% distributed equally and the balance based on points

Transferability of Shares

Sale of QS

Option 1	QS is fully transferrable
Option 2	QS is only transferrable to active participants

IFQ leasing

- | | |
|----------|---|
| Option 1 | IFQ is fully leasable |
| Option 2 | IFQ is only leasable to active participants |
| Option 3 | IFQ is leasable to smaller, distant fisheries (i.e., St. Matthew, Pribilof, and Adak king crab) |
| Option 4 | No leasing of IFQ |

Use Requirement

Use it or lose it: would apply to all crew with a one year hardship provision. If the skipper/crew QS holder does not maintain active status in the fishery they would be required to transfer their QS to another active participant in the fishery. An active participant is defined by participation in at least one delivery in a crab fishery included in the proposed rationalization program in the last year as evidenced by ADF&G fish ticket or affidavit from the vessel owner.

Skipper/Crew Onboard Requirements

- | | |
|----------|---|
| Option 1 | No onboard requirement for skipper/crew QS |
| Option 2 | Initial issues of QS would not be required to be onboard the vessel, subsequent tranferees would be required to be onboard the vessel when harvesting QS. |
| Option 3 | Requirement for skipper/crew to be onboard vessel when harvesting QS. |

A crewman is defined as a US citizen who held a commercial fishing landings permit or crew license during the qualifying period

Option B First Right of Refusal on Quota Share Transfers

A percent of initially issued QS would be designated as crew shares, these shares would remain as a separate class of QS. Transfer of initially issued QS must include transfer of the designated percentage of shares to crew for which there will be a first right of refusal for eligible crew to buy. The owner of the QS being offered for sale would have to give notice to NMFS RAM division of the impending sale. RAM in turn could then notify the fleet of the available QS. After this initial transfer crew QS will be available for transfer to any active participant in the fishery.

Percent of shares designated as crew shares:

<u>Options</u>	0 percent to 20 percent
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Timing of first right of refusal

<u>Options</u>	1to 3 months
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Eligibility of a U.S. citizen to purchase crew shares would be defined by participation in at least one delivery in the subject crab fishery in the last year as evidenced by ADF&G fish ticket or affidavit from the vessel owner.

If a qualified buyer cannot be found then 50% of the 0-20% crew QS offered for sale would have to be gifted to a pool available to qualified buyers and the remaining 50% of the 0-20% could then be offered for sale on the open market to any buyer. The crew pool of QS would be overseen by RAM. The proceeds from the sale of this QS by auction to the highest qualified bidder would go into a dedicated low interest loan program for crew.

Option C Protection of Historic Crew Shares

Protection of traditional and historical crew share percentages with no sunset based on the Canadian Groundfish Development Authority Code of Conduct.

Option D Low Interest Loan Program

A low-interest rate loan program for skipper and crew purchases of QS would be established or made part of the existing loan program for IFQ purchases.

Option E Owner On Board Option

A portion (range of 5-50%) of the quota shares initially issued to fishers / harvesters would be designated as "owner on board."

Percentage of shares designated as owner on board
Options 5 percent to 50 percent

All initial issuees (individual and corporate) would be grandfathered as not being required to be aboard the vessel to fish shares initially issued as "owner on board" shares

Shares transferred to initial issuees in the first (range of 3-7 years) of the program would be considered the same as shares initially issued

Grace period for transfer of shares
Options 3 years to 7 years

"owner on board" shares transferred by initial issuees, after the grace period, would require the recipient to be aboard the vessel to harvest the IFQ/ITQ

In cases of hardship (injury, medical incapacity, loss of vessel, etc.) a holder of "owner on board" quota shares may, upon documentation and approval, transfer / lease his or her shares for the term of the hardship / disability or a maximum of (Range 1-3 years)

Maximum term of hardship
Options 1 year to 3 years

Shares issued to CDQ groups are exempt from owner on board requirements

Suboption (applicable only if both owner on board and first right of refusal option are adopted)

Any transfer of QS designated at initial allocation as "owner on board" quota would count against "1st refusal" requirement.

Binding arbitration

AFA sideboards - Applies to all program options

Issue 1 AFA Processing Sideboards

Option The crab processing caps enacted by Section 211(c)(2)(A) of the AFA would be terminated (from Section 2.8.1)

Issue 2 AFA Harvester Sideboards

Option Eliminate AFA harvester sideboard caps upon implementation of the crab rationalization program (from Section 1.8.5)

Sideboards on participants in the rationalization program - Applies to all program options

Options will be evaluated through a trailing amendment therefore a preferred alternative does not need to be selected at the June meeting.

1. Non AFA vessels that qualify for QS in the rationalized BS C. opilio crab fishery would be limited to their historic catch using the qualifying years in selected in Section 1.4.2.1 for:
 1. GOA groundfish catch history (excluding sablefish)
 2. Inshore Pacific cod catch history in the GOA fisheries (with offshore Pacific cod exempt)
2. Sideboard exemptions would be considered for vessels that
 - A. had opilio landings in the qualifying years of:
 1. < 100,000 pounds
 2. < 70,000 pounds
 3. < 50,000 pounds
 4. < 25,000 pounds
 - B. had Pacific cod landings in the years 1995-99 of more than
 1. 100 mt
 2. 200 mt
 3. 500 mt
3. Prohibit vessels from participating in the GOA Pacific cod fishery that had total groundfish landings during the qualifying period of less than
 - A. 10 mt
 - B. 50 mt
 - C. 100 mt

Observer coverage - Applies to all program options (From Section 6.2, 10))

For crab vessels greater than 60 feet in length, maintain observer coverage at:

Option 1	Status quo
Option 2	10 percent
Option 3	20 percent
Option 4	30 percent